IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

THURSDAY, THE 25TH JANUARY 2007 / 5TH MAGHA 1928

WP(C).No. 2964 of 2007(C)

PETITIONER:

**JEHANGIR.A. ARMED POLICE ASSISTANT
SUB INSPECTOR (APASI), STATE RAPID ACTION FORCE,
PANDIKKAD, MALAPPURAM.**

BY ADV. SRI.D.KISHORE

RESPONDENTS:

**1. THE STATE OF KERALA, REPRESENTED BY ITS
SECRETARY, HOME DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.**

**2. THE DIRECTOR GENERAL OF POLICE,
POLICE HEAD QUARTERS. THIRUVANANTHAPURAM.**

**3. THE ADDITIONAL DIRECTOR GENERAL OF
POLICE ARMED POLICE BATTALLION (APS),
ARMED POLICE HEAD QUARTERS,
THIRUVANANTHAPURAM.**

**4. THE INSPECTOR GENERAL OF POLICE(APS &TP)
ARMED POLICE HEAD QUARTERS,
THIRUVANANTHAPURAM.**

**5. SASIKUMAR, APSI, KAPI, RAMAVARMAPURAM,
THRISSUR.**

**6. S.SHARAFUDDIN, APSI, KAPI,
RAMAVARMAPURAM, THRISSUR.**

**7. M.S.THAHA, APSI, KAP 2,
PALAKKAD.**

8. VIKRAMAN, APSI, KAP 4, KANNUR.

BY GOVT. PLEADER SHRI.BIJOY CHANDRAN, FOR R1 TO 4.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 25/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K.DENESAN, J.

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WP(C).No.2964 OF 2007-C.

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Dated this the 25th day of January, 2007.

J U D G M E N T

The petitioner is working as Armed Police Assistant Sub Inspector in the Police Department. Ext.P8 representation filed by him is pending with the 2nd respondent. The grievance of the petitioner is that his right to be promoted to the post of Armed Reserve Police Sub Inspector has been overlooked on the ground of disciplinary proceedings pending against him. It is contended that the juniors to the petitioner have been promoted provisionally while denying the same benefit to the petitioner. The above action of the respondents is assailed as arbitrary and violative of the statutory provisions.

2. Counsel for the petitioner submits that this Court had occasion to consider similar issues in WP(C).No.15851 of 2006 filed by the very same petitioner. In that writ petition, the petitioner challenged his reversion ordered on the ground of pendency of disciplinary proceedings. Counsel submits that the law laid down in Ext.P4 judgment squarely applies to the facts of this case.

3. I have heard the Government Pleader also.

4. I find, prima facie, substance in the contention urged on behalf of the petitioner. The issue raised can be answered placing reliance on Ext.P4.

5. The 2nd respondent shall consider Ext.P8 taking note of the principle laid down in Ext.P4 judgment. Appropriate orders shall be passed within two weeks from the date of receipt of a copy of this judgment. The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the 2nd respondent, for information and necessary action.

The writ petition is disposed of as above.

K.K.DENESAN, JUDGE.

kvs/-